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9 IN THE UNITED STATES DISTRICT COURT  
10 FOR THE EASTERN DISTRICT OF CALIFORNIA

11 PEDRO WILLIAM BACA,

12 Petitioner,

No. CIV S-05-0506 JAM KJM P

13 vs.

14 A.K. SCRIBNER, Warden,

15 Respondent.

ORDER

16 \_\_\_\_\_/  
17 Petitioner is a state prison inmate proceeding pro se on appeal from this court's  
18 denial of his petition for a writ of habeas corpus under 28 U.S.C. § 2254. Petitioner paid the  
19 filing fee for the habeas action, but has now asked to proceed in forma pauperis on appeal.  
20 Docket No. 59. He has filed a copy of his prison trust account statement, which shows he has  
21 current balance of \$62.81 and an outstanding restitution debt exceeding \$100,000.

22 Rule 24(a) of the Federal Rules of Appellate Procedure provides that a party to a  
23 district court action who desires to proceed in forma pauperis on appeal must file a motion in the  
24 district court which:

25 (A) shows in the detail prescribed by Form 4 of the Appendix of  
26 Forms the party's inability to pay or to give security for fees and  
costs;

1 (B) claims an entitlement to redress; and

2 (C) states the issues that the party intends to present on appeal.

3 Fed. R. App. P. 24(a)(2). Petitioner's trust account statement demonstrates his inability to pay  
4 as required by the rule and his objections to the magistrate judge's findings and recommendations  
5 show what issues petitioner intends to raise on appeal

6 Accordingly, petitioner's request to proceed in forma pauperis on appeal is  
7 granted.

8 DATED: April 29, 2009

10 /s/ John A. Mendez  
11 UNITED STATES DISTRICT JUDGE

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